

Date signed September 07, 2005



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:

WILLIAM B. ROWLES

Debtor

:
:
:
:
:
:

Case No. 04-25587PM
Chapter 13

MEMORANDUM OF DECISION

This case is before the court on Docket Entry 44, an Application for Compensation for Postpetition Legal Services and Expenses. Counsel seeks \$4,250.00 in fees and expenses of \$34.42 above and beyond the initial fee \$1,800.00 for limited representation as set forth in counsel's 2016(b) Statement. Debtor's Second Amended Chapter 13 Plan providing for payment of \$1,700.00 a month for 36 months was confirmed by Order of court entered May 2, 2005. This sum is to be devoted to the payment of arrears due ABN Amro Mortgage Group of \$8,837.92 and unsecured claims, primarily old tax claims, aggregating \$127,597.77. The bulk of counsel's efforts in this case have concerned the first secured claim filed by ABN Amro Mortgage Group alleging arrears of \$15,793.48. Counsel also entered into the Consent Order modifying the automatic stay on account of Debtor's failure to make post-petition payments to the secured creditor.

This case involved a labor intensive dispute with one creditor, the ABN Amro Mortgage Group. But for the activity with that creditor, the case could have been handled by counsel within the "flat fee" charged by him. The court finds that counsel should be compensated for the work done in connection with the defense of the Motion for Relief from Stay and the Objection to the Proof of Claim. But it must be noted, from the court's experience, that the time spent in

these matters, particularly with the Motion for Relief from Stay, is far more than the court usually encounters for similar matters. However, nothing in this Opinion may be taken as a criticism of the quality of the legal work done.

But, counsel's charge for the preparation of Amended Schedules and Amended Chapter 13 Plan will not be allowed. These services are encompassed within those services included in the "flat fee" as they are contemplated within the entry "E. To assist the Debtor in preparing, filing, and confirmation of a Chapter 13 Plan." Thus, the court will pass an order allowing additional compensation of \$2,350.00, plus reimbursement of expenses of \$34.82, above and beyond the fee of \$1,800.00 received by counsel prior to the filing of this case. The court notes that the Debtor has paid counsel \$500.00 on account, so that an additional \$1,384.82 will be paid through the Plan. An appropriate order will be entered.

cc:

Richard S. Stolker, Esq., 110 N. Washington Street, Suite 320, Rockville, MD 20850

William B. Rowles, 11807 Renick Lane, Silver Spring, MD 20904

Nancy S. Grigsby, Trustee, P.O. Box 958, Bowie, MD 20718

End of Memorandum